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SHARBAT KHAN VS STATE

FIR. No. 26, Dated 29.04.2025, U/S 337 F(v), F(i), A(i)/34 PPC, PS: Mishti Mela

**IN THE COURT OF BAKHT ZADA ADDITIONAL SESSIONS JUDGE-I,
ORAKZAI AT BABER MELA**

Bail Application No : 54/4 of 2025
Date of Institution : 08.05.2025
Date of Decision : 14.05.2025

SHARBAT KHAN VS THE STATE

ORDER

14.05.2025

Sr. PP for the State present. Accused/petitioner through Mr. Sanaullah Khan Advocate. Complainant in person along with his counsel present.

2. The accused/petitioner namely, Sharbat Khan S/O Abdul Hameed r/o caste Mishti, Village Kas Seema Khel, Central Orakzai is seeking his post arrest bail in case FIR No. 26, Dated 29.04.2025, U/S 337 F(v), F(i) 337 A(i) /34 PPC, registered at Police Station Mishti Mela.

3. Facts of the case as mentioned in the murasila are that, Muhammad Younas SHO of PS Mishti during Gasht received information about the occurrence on 29.04.2025 at 0840 hours to the effect that an injured namely Rauf Khan s/o Pali Jan aged about 53 years is brought to the emergency of DHQ Hospital Mishti. On the said information he rushed to the hospital, where the injured named above reported that on the eventful day early in the morning, he left for mishti mela in order to meet the jirga member. When he reached the place of occurrence situated at Kaas Mama Khel 4/5 KM from the PS towards west. He found one Sharbat

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Addl: District & Sessions Judge-1,
Orakzai at Hangu

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Khan S/O Abdul Hameed and Munsif Khan S/O Sharbat Khan sitting in the way duly armed with axe. They informed the complainant that the decision of the jirga is not acceptable to them. During this, exchange of hot words took place and they attacked the complainant. Accused Sharbat Khan hit him with the butt of gun at head, while accused Munsif Khan hit him with axe due to which he got hurt on several parts of righthand. He charged them for the commission of offence.

4. Arguments heard and available record perused which shows that as per report of the complainant injury at his head was caused by the accused Sharbat Khan by hitting him with the butt of his gun, but the perusal of record shows that neither any gun nor any axe has been recovered. The medical report of Tertiary care hospital Hayatabad medical complex Peshawar shows that the injuries occurred at the person of the complainant is due to road traffic accident/RTA. There is no eyewitness except the complainant himself. The medical report of Tertiary Care hospital Hayatabad Medical Complex in its report dated 29.04.2025 has mentioned the said injuries as history of RTA which is repeated in the report dated 01.05.2025 of the said hospital which makes the case of prosecution one of further inquiry. The punishment provided for the offence is 05-years which does not fall under the prohibitory clause of section-497 Cr.PC. Grant of bail

Done

14.5.25

BAKHT ZADA
Addl: District & Sessions Judge-1,
Orakzai at Hangu

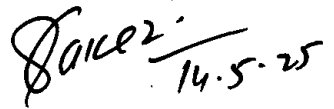
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in such like cases is a role, while refusal is an exception. No exceptional circumstance is existed. The accused/petitioner has already spent about 15-days behind the bars. I am therefore inclined to release the accused/petitioner on bail, subject to submission of bail bonds in the sum of Rs. 100,000/- with two sureties each, each in the like amount to the satisfaction of court. The sureties must be local, reliable and men of means. Requisitioned record be returned to the quarter concerned.

5. Copy of this order be placed on police and Judicial file while file of this court be consigned to the record room within the stipulated time.

Announced
14.05.2025


BAKHT ZADA
Additional Sessions Judge-I, Orakzai
at Baber Mela